

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.3835/2016

Order Reserved on: 30.01.2017
Order pronounced on 06.02.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri K. N. Shrivastava, Member (A)

1. Dinesh Kumar, Age 45 yrs (Typist) (C)
S/o Late Sh. Dalip Singh Verma
R/o 222, Lane-3, Vijay Nagar
Near Govt. College, Bahadurgarh
Distt. Jhajjar, Haryana.
2. Ravinder Singh, Age 52 years (Typist) (g-C)
S/o Sh. Bal Kishan Yadav
R/o VPO-Jaffarpur Kalan
Najafgarh,
New Delhi – 110073.
3. Sultan Singh, Age 53 years (Typist) (g-C)
S/o Late Sh. Tek Chand
R/o 249, A/1, Gandhi Nagar
Gannaur, Distt. Sonipat
Haryana-131101.
4. Vijendra Singh, Age 45 years (Typist) (g-C)
S/o Sh Brham Singh
R/o 128, Gali No.9
Lakhpur Colony, Part-III, Near Kripal Awana Kothi
Meethapur Extension, Badarpur
New Delhi – 110 044.
5. Rajeshwar Singh, Age 55 years (Typist) (g-C)
S/o Late Sh. Mithu Singh
R/o RZ-13D, Gali No.5,

Near Kailashpuri Bus Stand
Indira Park, Palam Colony
New Delhi – 110 035.

... Applicants

(By Advocate: Mr. Yashpal Rangi)

Versus

Union of India & Ors., through:

1. The Secretary

Ministry of Parliamentary Affairs
8, Parliament House
New Delhi.

2. Joint Secretary

Ministry of Parliamentary Affairs
87, Parliament House
New Delhi.

3. Under Secretary

Ministry of Parliamentary Affairs
94, Parliament House
New Delhi.

... Respondents

(By Advocate: Mr. S.N.Sharma)

O R D E R

By V. Ajay Kumar, Member (J):

The applicants, five in number and working as Typists, on contractual basis, under the respondents, filed the OA seeking the following relief(s):

"i) direct the respondents to consider the cases for applicants for regularization on the ground of parity; and

ii) direct the respondents not to replace the service of applicants with another set of contractual employee; and

iii) pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. The applicants submit that they are fully qualified and eligible for appointment as Typists (Computer), and after following due procedure, they were appointed as Typists (Computer) on contract basis, during the years 2009-2010, and their contracts have been extended from time to time. It is also submitted that the applicants are discharging the same functions of regular employees.

3. The respondents regularized the services of certain similarly placed contractual employees such as Vijender Singh, Staff Car Driver; Sulekh Singh, Despatch Rider; and Om Prakash, Sweeper/MTS. But when the applicants made representations seeking extension of the same benefit to them, the respondents instead of considering their request for regularization, trying to replace the applicants with another set of contractual employees. Hence, the OA.

4. Heard Shri Yash Pal Rangi, the learned counsel for the applicants and Shri S.N.Sharma, the learned counsel for the respondents, and perused the pleadings on record.

5. It is the settled principle of law that a set of contractual employees cannot be replaced with another set of contractual employees.

6. Though the applicants submitted that they have made representation seeking regularization of their services, vide Annexure

A4, dated 04.07.2016, but a perusal of the same does not indicate that the same is made for regularization.

7. In the circumstances, the OA is disposed of, without going into the merits of the case, by permitting the applicants to make appropriate representation, ventilating their grievance, to the respondents, within two weeks from the date of receipt of a copy of this order, and on receipt of such a representation from the applicants, the respondents shall consider the same and pass appropriate speaking order thereon, in accordance with law within 90 days therefrom.

8. It is needless to mention that the respondents shall not replace the applicants with another set of contractual employees. No costs.

(K. N. Shrivastava)
Member (A)

(V. Ajay Kumar)
Member (J)

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